

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 14, 15, 22, 24, 31, 32, 98, and 99 are currently being amended.

Claim 32 is rewritten in independent form.

Claim 38 is requested to be cancelled.

After amending the claims as set forth above, Claims 11-15, 22-37, and 39-99 are now pending in this application of which Claims 11, 24, 32, 39, 66, 75, 80, 94, 98, and 99 are independent.

Claim Rejections – 35 U.S.C. § 112

In paragraphs 3 and 4 of the Office Action, Claim 22 was rejected as being indefinite, and an amendment to overcome this rejection was suggested by the Examiner. Claim 22 has been amended as suggested in the Office Action to overcome the rejection.

Double Patenting

In paragraph 6 of the Office Action, Claims 11-15, 23, 39-49, 52, 53, 60, 61, 65, 75-77, and 80-97 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-15 and 18 of U.S. Patent No. 6,547,936. The obviousness-type double patenting rejection is believed to be overcome by the terminal disclaimer over US Pat. No. 6,547,936 filed with this response. Thus, withdrawal of the rejection is respectfully requested.

Claim Rejections – 35 U.S.C. § 103

In paragraph 8 of the Office Action, Claims 24-31 and 37 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Metzger (US 4,331,527) in view of Hughes et al

(US 4,908,242). In paragraph 9 of the Office Action, Claims 34-36 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Metzger in view of Hughes et al as applied to Claims 24-31 and 37, and further in view of Francis (US 4,425,212).

In paragraph 11 of the Office Action, Claim 38 was indicated as allowable, but was objected to for depending from a rejected base claim (Claim 24)

Claim 24 has been amended to include the limitations recited in Claim 38. Claim 24 (as amended) is believed to overcome the rejection under 35 U.S.C. § 103(a).

Claims 25-31 and 34-37 depend from Claim 24 and are believed to overcome the rejection for at least the same reasons as Claim 24.

Amendments to Claims 14, 15, 31, 98, and 99

Claims 14, 15, 31, 98, and 99 have been amended. These amendments are directed to the form of the claim and are not believed to affect the allowability of these claims.

Allowable Subject Matter

In paragraph 10 of the Office Action, Claims 66-74, 98, and 99 were indicated as allowable.

In paragraph 11 of the Office Action, Claims 32, 33, 38, 50, 51, 54-59, 62-64 were indicated as allowable, but were objected to as being dependent from a rejected base claim.

Claim 38 has been cancelled, Claim 32 has been rewritten in independent form including all limitations from the claim from which it depended (there were no intervening claims), and Claim 33 depends from now independent Claim 32. With respect to the other claims, all rejections of the base claims are believed to have been overcome as discussed above.

Conclusion

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

Amendment to Claims 22 and 24 and filing of the terminal disclaimer were done without prejudice to further prosecution on the merits. Applicant wishes to make it clear that he does not agree to or acquiesce in the rejections of the claims made in the Office Action.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1447.

Respectfully submitted,

Date March 28, 2005

By 

FOLEY & LARDNER LLP
Customer Number: 26371
Telephone: (414) 297-5839
Facsimile: (414) 297-4900

Marcus A. Burch
Attorney for Applicant
Registration No. 52,673